

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sonia Landino	Team: Squad #15	CCRB Case #: 201409329	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 08/23/2014 5:16 PM	Location of Incident: [REDACTED]	Precinct: 20	18 Mo. SOL 2/23/2016	EO SOL 2/23/2016	
Date/Time CV Reported Sun, 08/24/2014 1:35 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 09/10/2014 3:37 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Andrew Campbell	30258	950146	020 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Christopher Obrien	00036	933109	020 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Andrew Campbell	Force: At the intersection of § 87(2)(b) [REDACTED] in Manhattan, PO Andrew Campbell used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Andrew Campbell	Discourtesy: At the intersection of § 87(2)(b) [REDACTED] in Manhattan, PO Andrew Campbell spoke rudely to § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Andrew Campbell	Force: At the 20th Precinct stationhouse, PO Andrew Campbell hit § 87(2)(b) [REDACTED] against a wall.	[REDACTED]

Case Summary

On August 24, 2014, § 87(2)(b) filed this complaint with IAB via telephone, generating IAB Log. No. 2014-30309 (see Board Review 01). This complaint was received at the CCRB on September 10, 2014.

On August 23, 2014, at approximately 5:16 p.m., inside the public atrium at Lincoln Center in Manhattan, § 87(2)(b) was approached by an unknown amount of unidentified Lincoln Center security guards who informed § 87(2)(b) that he had to leave the premises. When § 87(2)(b) left the public atrium, PO Andrew Campbell of the 20th Precinct approached him and told him to leave. § 87(2)(b) took his motorized bicycle and walked towards the crosswalk between § 87(2)(b) and § 87(2)(b). As § 87(2)(b) was straddling on his motorized bicycle and walking across the crosswalk, PO Campbell allegedly pushed § 87(2)(b) on his back and told him to leave (**Allegation A**). As § 87(2)(b) walked several more steps across the crosswalk, PO Campbell allegedly pushed § 87(2)(b) on his back two more times (**within Allegation A**). PO Campbell walked away and § 87(2)(b) continued to across the crosswalk. When § 87(2)(b) walked onto § 87(2)(b) and reached for his keys to turn on his motorized bicycle, PO Campbell ran towards § 87(2)(b) and tackled him and his motorized bicycle to the ground (**within Allegation A**). PO Campbell landed on top of § 87(2)(b) and allegedly told § 87(2)(b) “I told you to get the fuck out of here” (**Allegation B**). PO Campbell then handcuffed § 87(2)(b) and transported him to the 20th Precinct stationhouse.

At the 20th Precinct stationhouse, PO Campbell escorted § 87(2)(b) to an empty cell and allegedly pushed § 87(2)(b) on his back, causing § 87(2)(b) to hit his head against a wall (**Allegation C**). § 87(2)(b) was charged with disorderly conduct and received violations for operating a motor vehicle without insurance, operating an unregistered vehicle, and having an improper license. As a result of the incident, § 87(2)(b) allegedly sustained abrasions and bruises to his head, shoulders, elbows, and knees and a dislocated shoulder. § 87(2)(b) denied medical attention while in police custody and he did not seek medical attention upon his release.

This case was truncated twice because § 87(2)(b) missed four scheduled interview appointments without calling ahead to cancel or reschedule. A month after § 87(2)(b) last missed appointment, he called the CCRB and scheduled an interview for November 25, 2014. This case was assigned to Inv. Christina Young on November 28, 2014 and was reassigned to the undersigned investigator on December 8, 2014.

Mediation, Civil, and Criminal Histories

- This case was deemed unsuitable for mediation because § 87(2)(b) was arrested and he sustained injuries as a result of the incident.
- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of May 12, 2015 with regard to the incident (see Board Review 02).
- As of May 4, 2015, New York State Office of Court Administration records reveal no criminal convictions for § 87(2)(b) in regards to this incident.
- § 87(2)(b)

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- § 87(2)(b) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Officer and Civilian CCRB Histories

- This is the first complaint filed against PO Campbell during his three year tenure (see Board Review 04).
- § 87(2)(b) has filed two CCRB complaints that were referred to the Office of the Chief of Department and the Internal Affairs Bureau (see Board Review 05).

Potential Issues

- § 87(2)(b) did not sign a HIPPA form during his interview since he stated that he did not seek medical attention. § 87(2)(b) [REDACTED]
- PO Campbell identified Sgt. Kelvin Perez and PO Christopher O'Brien of the 20th Precinct as the officers who assisted him in transporting § 87(2)(b) to the stationhouse. PO Campbell specified that Sgt. Perez and PO O'Brien arrived at the incident location after § 87(2)(b) was handcuffed.
 - PO O'Brien confirmed that he and Sgt. Perez had been present at the incident location after § 87(2)(b) was handcuffed. However, PO O'Brien stated that he did not assist in transporting § 87(2)(b) to the stationhouse and he could not recall whether or not Sgt. Perez had assisted in transporting § 87(2)(b). PO O'Brien also identified PO Jonathan Bisland and PO Philip Ferrara of the 20th Precinct as the officers who transported § 87(2)(b) to the stationhouse.
 - Since PO Campbell and PO O'Brien indicated that Sgt. Perez had not been present before § 87(2)(b) was handcuffed, Sgt. Perez was not interviewed.
 - Since PO Campbell identified himself as the officer who transported § 87(2)(b) to the stationhouse and did not identify PO Bisland or PO Ferrara as being present at the incident location, those officers were not interviewed.
- PO Campbell's memo book notes that § 87(2)(b) had been transported to a hospital by PO Luis Campana and PO Sumay Lee of the 20th Precinct, however, § 87(2)(b) stated that he denied medical attention and was transported to Manhattan Central Booking. Additionally, § 87(2)(b) arrest entry in the 20th Precinct Command Log notes that § 87(2)(b) was transported to Manhattan Central Booking by PO Campana and PO Lee and did not indicate that § 87(2)(b) was transported to a hospital.
- Statements from the Lincoln Center security guards that possibly witnessed the incident were not obtained by the CCRB because the investigation did not have adequate pedigree information from § 87(2)(b) to deduce which security guards were on duty at the time of the

incident and had actually witnessed the incident. Moreover, the CCRB would have had to subpoena the Lincoln Center Security Department's tour sheet and any statements from the Lincoln Center security guards, which was not feasible given the lack of descriptive information by § 87(2)(b) and PO Campbell.

Video Footage

- § 87(2)(b) indicated that a Lincoln Center security camera had captured the incident (see Board Review 06).
- There was no attempt to obtain video footage from Lincoln Center after the complaint was received by the CCRB on September 10, 2014.
- On December 1, 2014, a Google Maps search of the incident location displayed a possible street camera positioned on an island on the south side of the Broadway and West 65th Street intersection.
 - The list of TARU's fixed street cameras, which was updated in November 2014, did not show any cameras at the location. In any case, footage would not be available because TARU video footage requests are limited to 30 days from the incident date.
- On December 1, 2014, a Google Maps search displayed a security camera on top of Avery Fisher Hall, which is located on the southwest side of the Broadway and West 65th Street intersection.
 - That same day, Inv. Young contacted § 87(2)(b) of the Lincoln Center Security Department, who stated that video footage is only held for one month, so footage of this incident would not be accessible.
 - § 87(2)(b) also indicated that statements from the Lincoln Center security guards would have to be subpoenaed through the security chief and human resources department.

Field Work

- During § 87(2)(b) phone statement (see Board Review 06), he identified the operator of the § 87(2)(b) and the Lincoln Center security guards as witnesses to the incident.
- On December 16, 2014, Inv. Bernardo Gutierrez and Inv. Adrian Legaspi of the Field Team conducted fieldwork in the vicinity of Lincoln Center (see Board Review 07).
- When field work was conducted, the only food cart present was operated by two men named § 87(2)(b). Both § 87(2)(b) denied witnessing the incident, but stated that their friend, § 87(2)(b) would have been the food cart vendor at the time of the incident and provided § 87(2)(b) telephone number.
- Inv. Gutierrez and Inv. Legaspi of the Field Team spoke with § 87(2)(b) of the Lincoln Center Security Department. § 87(2)(b) informed the investigators that he had witnessed the incident and he provided a brief statement off the record (see Board Review 06). § 87(2)(b) did not cooperate with providing a sworn statement, but he did sign a CCRB verification form.
- § 87(2)(b) also provided the Lincoln Center Security Department's Incident Report that was filed in regards to the incident with § 87(2)(b) (see Board Review 08).

Potential Witnesses

- As mentioned in the Field Work section above, § 87(2)(b) was identified as being the food cart vendor during the time and at the location of this incident.
 - Between January 23, 2015 and January 26, 2015, § 87(2)(b) was contacted twice. During both phone calls, § 87(2)(b) and another respondent, § 87(2)(b) told the

undersigned to call back at later dates and they did not respond to questions concerning witnessing this incident.

- On January 28, 2015, § 87(2)(b) called the undersigned from § 87(2)(b) phone number and stated that all questions from the CCRB would have to be addressed with § 87(2)(b) lawyer and quickly hung up on the undersigned without providing more contact information or confirming whether or not § 87(2)(b) actually witnessed the incident.

NYPD Documents

- **Arrest Report** (see Board Review 09): PO Campbell processed § 87(2)(b) arrest and he indicated that force was used to restrain § 87(2)(b). The report notes that § 87(2)(b) had blocked vehicular traffic and refused to move from the middle of the crosswalk. Upon detainment, PO Campbell discovered that § 87(2)(b) motorized bicycle was unregistered and uninsured.
- **Criminal Court Report and Supporting Disposition** (see Board Review 10): Was consistent with § 87(2)(b) arrest report and specified that PO Campbell observed approximately twenty pedestrians and eight vehicles move around § 87(2)(b) due to his refusal to move from the middle of traffic. Additionally, PO Campbell mentioned that § 87(2)(b) had used profanity against an unidentified pedestrian.
- **20th Precinct Command Log** (see Board Review 11): § 87(2)(b) arrest entry notes his physical condition as normal and that he was transferred to Manhattan Central Booking by PO Luis Campana and PO Sumay Lee of the 20th Precinct.
- **20th Precinct Prisoner Holding Pen Roster** (see Board Review 12): Notes that § 87(2)(b) was the only prisoner in a holding cell at the time inside the precinct.
- **Property Vouchers** (see Board Review 13): Documented the seizure of § 87(2)(b) motorized bicycle and general property.

Other Evidence

- As mentioned in the Field Work section, § 87(2)(b) provided the Lincoln Center Security Department's Incident Report (see Board Review 8).
- The incident report detailed that Lincoln Center security guards called for NYPD assistance due to a disorderly and belligerent individual who was acting aggressively and was under the influence of an unknown substance. The individual was told to leave the premises by Lincoln Center security guards and by PO Campbell, but he did not comply and was ultimately arrested.

Findings and Recommendations

Explanation of Subject Officer Identification

Since PO Campbell acknowledged interacting with and arresting § 87(2)(b) **Allegation A**, **Allegation B**, and **Allegation C** will be pleaded against him.

Allegation A – Force: At the intersection of § 87(2)(b) in Manhattan, PO Andrew Campbell used physical force against § 87(2)(b)

According to § 87(2)(b) sworn statement, he was told to leave the Lincoln Center premises only once by Lincoln Center security guards and PO Campbell. Without any verbal disagreement with being told to leave, § 87(2)(b) took his motorized bicycle and began to walk towards the crosswalk at the intersection of § 87(2)(b). While walking across the crosswalk, § 87(2)(b) felt PO Campbell push him on his back. PO Campbell told § 87(2)(b) to

leave the area and when § 87(2)(b) continued to walk, PO Campbell pushed him on his back two more times. When § 87(2)(b) walked onto Broadway, PO Campbell “bum-rushed” § 87(2)(b) and tackled him, along with his motorized bicycle, to the ground. While on the ground, § 87(2)(b) shifted his body face-down on top of his motorized bicycle. PO Campbell landed on top of § 87(2)(b) directly thereafter and handcuffed him. However in his phone statement, § 87(2)(b) indicated that once PO Campbell tackled him to the ground, his motorized bicycle “went flying”.

§ 87(2)(b) indicated in his sworn statement that he sustained abrasions to his head, shoulders, elbows, and knees as a result of the incident. However in his phone statements, § 87(2)(b) also reported that he sustained a dislocated shoulder and multiple bruises on his head and shoulders in addition to the aforementioned abrasions. Even though § 87(2)(b) sustained numerous visible injuries, he admitted that he did not request medical attention while in police custody and he did not seek medical attention upon his release. § 87(2)(b) stated that he was offered to go to the hospital before he was transported to Manhattan Central Booking, but he declined because he did not want a large medical bill. § 87(2)(b) never took photographs of his injuries, even though his injuries and how he received them were his primary focus throughout all of his statements. Neither PO Campbell nor PO O’Brien observed any injuries on § 87(2)(b) and they did not hear § 87(2)(b) complain of any injuries. § 87(2)(b) arrest entry in the 20th Precinct Command Log (see Board Review 11) does not mention any injuries and noted § 87(2)(b) physical condition as normal. Although § 87(2)(b) denied medical attention, PO Campbell’s memo book (see Board Review 14) indicated that § 87(2)(b) was transported to an unknown hospital by PO Luis and PO Lee, but the Command Log does not mention this.

During PO Campbell’s CCRB interview, he indicated that he was working Lincoln Center detail when the supervisor of Lincoln Center security called him because the security guards were having an issue with a disorderly, drunken man, identified by the investigation as § 87(2)(b). When PO Campbell walked to § 87(2)(b), he observed § 87(2)(b) cursing at pedestrians and the security guards. When PO Campbell approached § 87(2)(b) said he was having trouble with the security guards. While § 87(2)(b) was speaking to PO Campbell, his speech was slurred and he smelled of alcohol. PO Campbell explained to § 87(2)(b) that he had to leave because he could not conduct himself in that manner in public. § 87(2)(b) became angry and began screaming at the security guards, causing PO Campbell to direct § 87(2)(b) to leave approximately fourteen times. After approximately five minutes of directing § 87(2)(b) to leave the premises, § 87(2)(b) took his motorized bicycle and walked towards the crosswalk at the intersection of § 87(2)(b) and § 87(2)(b). PO Campbell then observed § 87(2)(b) sitting on his motorized bicycle in the middle of the crosswalk while screaming back at the security guards. § 87(2)(b) continued to sit on his motorized bicycle in the middle of the street while the traffic light turned had turned from green to red to green to red again, causing an unnecessary obstruction of vehicle and pedestrian traffic. PO Campbell approached § 87(2)(b) and told him once more to leave. In response, § 87(2)(b) told PO Campbell that he lived on § 87(2)(b) and § 87(2)(b), which was near Lincoln Center. In an effort to guide § 87(2)(b) into the correct direction of his home, PO Campbell placed one hand on § 87(2)(b) back to escort him across the street. After walking a few more steps across the crosswalk, § 87(2)(b) turned around on his motorized bicycle and struck PO Campbell’s hand away from his back. PO Campbell then used one of his hands to push § 87(2)(b) off of the motorized bicycle in order to arrest him. Since § 87(2)(b) was straddling his motorized bicycle when PO Campbell pushed him, § 87(2)(b) landed on his feet, not on the ground. PO Campbell then grabbed § 87(2)(b) shoulders and attempted to push him to the ground in a sitting position so he could handcuff him. § 87(2)(b) was noncompliant and consistently flailed his arms in an effort to not be handcuffed, but PO

Campbell was eventually able to handcuff § 87(2)(b) and place him on the ground in a seated position. While effecting § 87(2)(b) arrest, PO Campbell saw that § 87(2)(b) had a bag that contained an empty vodka bottle, which confirmed his earlier observation that § 87(2)(b) had been intoxicated. PO Campbell requested additional units to the incident location to transport § 87(2)(b) to the 20th Precinct stationhouse. Sgt. Kelvin Perez and PO O'Brien arrived at the incident location since they were also working Lincoln Center detail.

As previously mentioned in the Field Work section, § 87(2)(b) § 87(2)(b) of the Lincoln Center Security Department provided a witness statement and the Lincoln Center Security Department's Incident Report in regards to the incident. § 87(2)(b) stated that § 87(2)(b) is well known by the security department because he is frequently told to leave the premises for being intoxicated and disorderly and described § 87(2)(b) as an emotionally disturbed person. On the date of the incident, NYPD officers were called to the corner of § 87(2)(b) after § 87(2)(b) ignored multiple orders from security personnel to leave the premises. At the time, § 87(2)(b) had smelled of alcohol and was holding a bottle of whiskey. § 87(2)(b) saw § 87(2)(b) on the ground at one point and believed this was due to his level of intoxication. § 87(2)(b) denied officers using profanity against § 87(2)(b) and denied any officer tackling § 87(2)(b) to the ground. § 87(2)(b) stated that the only force officers used to place § 87(2)(b) into custody was in placing his arms behind his back and no strikes were used. As previously mentioned, the Lincoln Center Security Department's Incident Report also noted that § 87(2)(b) had been acting disorderly, belligerent, and aggressive and did not comply with Lincoln Center security guards and by PO Campbell's commands to leave the premise.

§ 87(2)(b) arrest report noted that he had blocked vehicular traffic by standing in the middle of the crosswalk with his motorized bicycle. After refusing multiple directives to leave, § 87(2)(b) was detained. During his arrest, it was discovered that § 87(2)(b) motorized bicycle was unregistered and uninsured. § 87(2)(b) was ultimately arrest and charged with disorderly conduct for obstructing vehicular and pedestrian traffic and received violations for operating a motor vehicle without insurance, operating an unregistered vehicle, and having an improper license. In § 87(2)(b) Criminal Court Complaint that was filed on the day of his arrest, PO Campbell stated that § 87(2)(b) had blocked pedestrian and vehicular traffic by causing approximately twenty pedestrians and eight vehicles to move around him as he sat on his motorized bicycle in the middle of the cross walk and refused to move even after he was directed to leave multiple times. Additionally, § 87(2)(b) Criminal Court Complaint indicates that he had yelled at a pedestrian stating, "You're a fat fuck, you can't tell me to fucking leave, I don't want to fucking leave. Who do you think you are?"

According to New York State Penal Law §240.20(3)(5) (see Board Review 15), a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk therefore; engages in threatening behavior, makes unreasonable noise, uses abusive and obscene language in a public place, or obstructs vehicular and pedestrian traffic. NYPD Patrol Guide Procedure 203-11(see Board Review 16) states that an officer may use the amount of force necessary to overcome resistance while effecting an arrest.

Based on § 87(2)(b) and PO Campbell's statements, it is undisputed that § 87(2)(b) was directed to leave the Lincoln Center premises. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Allegation B: At the intersection of § 87(2)(b) in Manhattan, PO Andrew Campbell spoke rudely to § 87(2)(b)

Allegation C: At the 20th Precinct stationhouse, PO Andrew Campbell hit § 87(2)(b) against a wall.

§ 87(2)(b) alleged during his sworn statement that after he was tackled to the ground, PO Campbell told him, “I told you to get the fuck out of here.” However during his phone statement, § 87(2)(b) alleged that PO Campbell first said “Get the fuck out of here” and “I told you to get the fuck out of here,” then tackled § 87(2)(b) to the ground and again told him, “Didn’t I tell you to get the fuck out of here? Yeah I told you to get the fuck out of here.” PO Campbell denied using profanity against § 87(2)(b) and witness § 87(2)(b) denied hearing profanity used against § 87(2)(b) during the incident.

§ 87(2)(b) also alleged that while inside the 20th Precinct stationhouse, PO Campbell escorted § 87(2)(b) to an empty holding cell and pushed him on his back, which caused § 87(2)(b) to hit his head against a wall. § 87(2)(b) stated that while PO Campbell was escorting § 87(2)(b) to his cell, PO Campbell was accompanied by a short, black male officer in uniform. § 87(2)(b) specified that the black male officer in uniform stood in the hallway and was not inside the cell when PO Campbell allegedly pushed him and as such, did not witness the allegation. PO Campbell stated that he and PO O’Brien, a white male officer, escorted § 87(2)(b) but that PO O’Brien never entered § 87(2)(b) cell. While § 87(2)(b) was inside the cell, PO Campbell did not push him or see § 87(2)(b) body make contact with a wall. However, PO O’Brien stated that once he returned to the stationhouse at the end of his tour, he did not see § 87(2)(b) and had no knowledge of an incident that occurred inside § 87(2)(b) cell.

§ 87(2)(b), § 87(2)(g)

Pod: 15

Investigator: _____
Signature Print Date

Supervisor: _____

	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date